

### **Remarks**

Claims 1-18 are pending in this application. Claims 5-16 have been withdrawn. Claims 1-4, 17, and 18 stand rejected.

By way of this response, Claims 1 and 2 are currently amend. Claims 6-11, 13, 15 and 16 are withdrawn and currently amended. Based on the following remarks, Applicant respectfully requests consideration of the amended claims and reconsideration of the remaining claims.

#### **Claim Rejections - 35 U.S.C. § 112**

The Examiner rejected claims 1-4 and 17-18 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 is amended to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully request that the claim rejection be withdrawn.

#### **Claim Rejections - 35 U.S.C. § 103**

The Examiner rejected Claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,797,392 issued to Keldmann et al. (hereinafter "Keldmann") in view of U.K. Patent Application GB2 270 293 (hereinafter "GB '293"). MPEP §2143.01 details the basic requirements necessary to establish a prima facie case of obviousness. In particular, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." In reference to independent claim 1, neither Keldmann or GB '293 discloses all of the claim limitations of the amended claim. Neither reference discloses an inhaler having a tubular body and a cap attaching to and connecting the ends of the tubular body and the cap in communication with the closed compartment. As such, Applicants submit the combination of references applied by the Examiner does not obviate the claim as amended, and independent claim 1 is in condition for allowance. Applicant respectfully suggests that claims 2-4 and 17-19 depend from claim 1

are also in condition for allowance for at least the reasons presented above. Applicant respectfully requests reconsideration of the claims presented above.

Further, Applicants respectfully suggest that withdrawn species claims 5-16 which depend from the generic independent claim 1 are also in condition for allowance. Applicants have amended the withdrawn claims to provide for correct antecedent basis, in the event the generic claim is allowable. Applicant respectfully requests reconsideration of the claims presented above.

### **Conclusion**

Applicants have made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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